

Exhibit 2
to the Declaration of Lin W. Kahn
in Support of Defendants' Opposition
to Plaintiffs' Supplemental Motion for
Class Certification

REVISED REDACTED VERSION

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4
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6 IN RE: HIGH-TECH EMPLOYEE)
7 ANTITRUST LITIGATION)
8) No. 11-CV-2509-LHK
9 THIS DOCUMENT RELATES TO:)
10 ALL ACTIONS.)
11 _____)
12
13
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15 VIDEO DEPOSITION OF STEVEN BURMEISTER
16 March 15, 2013
17
18

19 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR
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10:40:26 1 Q. [REDACTED] of -- of what?

10:40:30 2 A. I was referring to number of RSUs.

10:40:42 3 Q. So on this chart, as I read it, it says: [REDACTED]

10:40:48 4 [REDACTED]

10:40:53 5 [REDACTED]

10:40:57 6 [REDACTED]?

10:41:01 7 A. Yes.

10:41:02 8 Q. But an -- but an actual grant could be above

10:41:07 9 [REDACTED] or below [REDACTED] depending on that vice president's

10:41:13 10 performance or depending on a vice president's

10:41:16 11 performance?

10:41:17 12 A. It could be based on a number of factors,

10:41:24 13 performance being the main, probably, decision factor we

10:41:28 14 like managers to consider.

10:41:36 15 Q. What are the -- [REDACTED]

10:41:39 16 [REDACTED] -- there are two columns here. There is a

10:41:41 17 column for [REDACTED] and a column for

10:41:45 18 [REDACTED] and various numbers listed under

10:41:47 19 them. Are those -- are those numbers minimums,

10:41:57 20 maximums? Are they -- well, are they minimums?

10:42:09 21 MR. RILEY: Object to the form.

10:42:09 22 MS. LEEBOVE: Q. For instance, if you

10:42:10 23 found -- if a vice president was determined to be an

10:42:13 24 [REDACTED], would he or she necessarily

10:42:18 25 receive [REDACTED]?

10:42:24 1 A. No. What -- what this chart illustrates is
10:42:28 2 what would be a reference for leaders to -- it's a
10:42:34 3 reference point to say that a [REDACTED]
10:42:37 4 [REDACTED], but based on your assessment
10:42:41 5 of their performance, a [REDACTED] --
10:42:45 6 [REDACTED]
10:42:50 7 [REDACTED].

10:42:58 8 Q. Okay. So these -- this chart is -- all of
10:43:01 9 these numbers are purely reference points as opposed to
10:43:08 10 guidelines?

10:43:11 11 A. I consider a reference point and a guideline to
10:43:15 12 be the same.

10:43:18 13 Q. Okay. To the extent an employee receives an
10:43:32 14 annual grant, is there any formula by which the annual
10:43:37 15 grant is determined?

10:43:42 16 A. I don't believe there is a formula. It's the
10:43:46 17 leader -- the manager's assessment of their performance
10:43:49 18 and what would be appropriate for that individual
10:43:52 19 contributor --

10:43:53 20 Q. Okay.

10:43:53 21 A. -- or manager.

10:44:03 22 Q. If you turn to the page that's -- I want to say
10:44:07 23 it must be 7, if we were just looking at 5. At the
10:44:10 24 bottom it says 231APPLE100679. Can you tell me what is
10:44:27 25 reflected on this page of your -- of the materials you

10:44:30 1 prepared for the compensation committee on August 5th,
10:44:32 2 2009?

10:44:38 3 A. It is a "Proposed FY10 Merit Increase Program,"
10:44:43 4 which we use to determine an overall budget that the
10:44:48 5 company can then use to provide employees with merit
10:44:53 6 increases.

10:45:00 7 Q. The very last bullet -- it's actually a dash
10:45:07 8 rather than a bullet, states, "Executive Management
10:45:09 9 supports this recommendation and believes it is
10:45:11 10 important to recognize and reward all employees for
10:45:13 11 their hard work and contribution to the Company's
10:45:17 12 overall success."

10:45:18 13 Do you see that?

10:45:19 14 A. Yes.

10:45:19 15 Q. [REDACTED]
10:45:23 16 [REDACTED]?

10:45:28 17 A. [REDACTED].

10:45:33 18 Q. How did -- why not?

10:45:39 19 A. The decision to give your -- one of your
10:45:45 20 employees a merit increase is based on a number of
10:45:48 21 factors that a leader might consider, performance being
10:45:51 22 one. And if an individual wasn't performing well, he or
10:45:57 23 she may not warrant a merit increase.

10:46:08 24 Q. Has there ever been an instance in your
10:46:10 25 experience at Apple where all U.S. employees' salaries

10:58:00 1 and grades."

10:58:05 2 Is that still true today?

10:58:18 3 A. Yes. We -- and by "salary ranges," I mean the
10:58:22 4 reference points for salaries by job and level.

10:58:38 5 Q. Do your salary ranges or reference points --
10:58:46 6 does the salary range consist of a minimum base salary,
10:58:50 7 a midpoint, and a maximum?

10:58:52 8 A. Yes.

10:58:54 9 MR. RILEY: Object to the form.

10:59:01 10 MS. LEEBOVE: Q. In response to Apple's
10:59:04 11 analysis of market data on an annual basis, do the
10:59:15 12 salary range minimums increase on an annual basis?

10:59:23 13 MR. RILEY: Object to the form.

10:59:24 14 THE WITNESS: Can -- can you repeat the
10:59:48 15 question, please.

10:59:55 16 MS. LEEBOVE: Q. Let me see if I can ask
10:59:58 17 it differently.

11:00:03 18 Is it fair to say that Apple uses market data
11:00:05 19 to set minimum, midpoint, and maximum salaries for job
11:00:11 20 levels and grades?

11:00:13 21 MR. RILEY: Object to the form.

11:00:40 22 THE WITNESS: Apple -- it's -- by "Apple," your
11:00:43 23 statement Apple set salaries is very broad. Each
11:00:47 24 individual manager determines the compensation -- total
11:00:52 25 compensation based bonus, and stock award that an

11:00:59 1 individual has earned. But by -- your statement Apple
11:01:07 2 used survey data to set Apple salaries, no. It's a very
11:01:15 3 indirect relationship.

11:01:17 4 MS. LEEBOVE: Q. Well, does Apple use
11:01:20 5 market data to set salary ranges?

11:01:27 6 A. That's a -- it's a ref- -- we use survey data
11:01:31 7 as a reference. It's one of the inputs that I consider,
11:01:35 8 my group considers when we establish market competitive
11:01:43 9 ranges.

11:01:46 10 Q. Well, I'm just -- I'm actually reading a
11:01:48 11 statement that you wrote that says, "Apple also uses the
11:01:52 12 market data described above to set salary ranges for job
11:01:56 13 levels and grades."

11:01:57 14 So is that not true? Apple does not use market
11:02:05 15 data to set salary ranges for job levels and grades?

11:02:08 16 A. No, it is true. That is one of the sources of
11:02:13 17 information that my group uses to determine what salary
11:02:19 18 ranges, references are appropriate for Apple. But it is
11:02:24 19 not the sole -- it's not the sole source.

11:02:27 20 Q. Okay. That's fair. I understand.

11:02:49 21 In paragraph 7, the first sentence of it says,
11:02:53 22 "Once the budgets are set, Apple's managers determine
11:02:59 23 promotions and distribute salaries, bonuses, and stock
11:03:02 24 awards among the individual employees they supervise on
11:03:04 25 the basis of performance reviews and other factors, such

11:03:08 1 as an employee's skill set and importance to the overall
11:03:11 2 success of the group."

11:03:21 3 Are individual employees' salaries, base
11:03:26 4 salaries, determined by reference to the salary range
11:03:31 5 associated with their positions?

11:03:36 6 MR. RILEY: Object to the form.

11:03:47 7 THE WITNESS: Are you asking -- I'm not sure,
11:03:51 8 yeah, what you're asking in that question.

11:03:56 9 MS. LEEBOVE: Q. Do Apple's managers
11:03:58 10 distribute salaries with reference to the salary
11:04:04 11 ranges for their employees' positions?

11:04:07 12 MR. RILEY: Object to the form.

11:04:11 13 THE WITNESS: Salaries are awarded based on the
11:04:15 14 individual's performance and the other factors as I have
11:04:18 15 listed. Our salary ranges are reference points.
11:04:22 16 They're -- they're not hard minimums or hard maximums.
11:04:30 17 Those are purely a reference point. But salaries are
11:04:34 18 truly determined based on an individual one-by-one
11:04:41 19 assessment of the individual.

11:04:46 20 MS. LEEBOVE: Q. Do you know how many
11:04:47 21 employees make less than the minimum salary range
11:04:54 22 of -- the minimum of the salary range set for their
11:04:56 23 position?

11:04:57 24 MR. RILEY: Object to the form.

11:05:02 25 THE WITNESS: I don't know the number, but

11:06:14 1 minimum reference point of their salary range for
11:06:16 2 their position?

11:06:17 3 MR. RILEY: Object to the form.

11:06:18 4 THE WITNESS: Again, I'd have to look at the
11:06:20 5 data to be able to answer that.

11:06:29 6 MS. LEEBOVE: Q. Do you know what
11:06:30 7 proportion of Apple employees make more than the
11:06:32 8 maximum reference point for their salary range?

11:06:37 9 A. I would have to look at the data. It would be
11:06:39 10 the same kind of evaluation as looking at the minimum.

11:06:47 11 Q. What purpose do the salary ranges serve if
11:06:51 12 managers don't have to adhere to them?

11:06:54 13 A. It's a manager -- they're a manager tool,
11:06:57 14 reference points to determine how you are paying your
11:07:02 15 employee relative to the market. And it's purely a
11:07:08 16 reference point. The individual -- the individual could
11:07:13 17 be at minimum, below minimum, at maximum, above maximum
11:07:21 18 based on what he or she brings to the table and -- and
11:07:23 19 their performance, the importance of their group in the
11:07:27 20 overall company goals.

11:07:42 21 Q. Skipping further down into paragraph 7 at lines
11:07:46 22 15 to 17, you wrote, "Managers have discretion to give
11:07:52 23 out-of-cycle raises when warranted by exceptional
11:07:56 24 employee performance or other factors."

11:07:58 25 What other factors besides exceptional employee

11:08:03 1 performance may be used to give an out-of-cycle raise?

11:08:15 2 A. Managers at Apple have the flexibility to do
11:08:18 3 what is appropriate, as long as it is within their
11:08:21 4 budget. Another example could be increased job
11:08:28 5 responsibility. It could be -- well, this could be
11:08:34 6 increased job responsibility -- going from a U.S. focus
11:08:37 7 to now having responsibility for the same -- same work
11:08:42 8 but on a global basis. So it's really the manager's
11:08:48 9 discretion as to what's appropriate, if it's the right
11:08:51 10 thing to do for the business and the employee and they
11:08:54 11 can afford it in their budget.

11:09:06 12 Q. Has it ever been your experience that a manager
11:09:08 13 has given their -- their entire salary increase budget
11:09:18 14 for a particular year over to just one employee?

11:09:22 15 A. No.

11:09:41 16 Q. Do managers ever, in your experience, leave
11:09:43 17 money on the table? In other words, have merit increase
11:09:49 18 funds allotted to them that they don't distribute to
11:09:52 19 their employees?

11:09:54 20 A. Yes.

11:09:55 21 Q. Does that happen frequently?

11:10:01 22 A. It depends on the group and the leadership. It
11:10:06 23 just depends by area.

11:10:19 24 Q. Does paragraph 10 of your declaration, I'm
11:10:23 25 assuming that refers to the process you were talking

11:20:55 1 could have additional criteria based on the role he or
11:20:59 2 she is trying to fill.

11:21:02 3 Q. Such as? What are some examples of additional
11:21:07 4 criteria that might help to -- a manager to determine an
11:21:10 5 employee's starting salary besides the four reference
11:21:13 6 points that are listed here?

11:21:15 7 A. You're looking at, is it a -- you know, it just
11:21:29 8 would depend by the manager. They would have their own
11:21:33 9 criteria that they would be looking at, what is
11:21:35 10 important to them.

11:21:43 11 Q. Have you ever heard of the term "internal
11:21:45 12 equity"?

11:21:49 13 A. I've -- in a compensation speak language, we
11:21:54 14 use the term "internal equity."

11:21:57 15 Q. What does it -- what does internal equity mean
11:21:59 16 to you in your compensation speak language?

11:22:05 17 A. Internal equity means, to me, that what you're
11:22:11 18 looking at, if you're looking at compensation, that it's
11:22:15 19 fair based on the individual's contribution relative to
11:22:21 20 the other employees in your group, or across your
11:22:26 21 organization, whatever your scope of management is.

11:22:35 22 Q. Is there an internal equity component to
11:22:40 23 determining starting salaries at Apple?

11:22:54 24 A. It -- internal equity plays into a few, if not
11:22:59 25 all, of these bullets for managers to consider when

11:23:04 1 looking at a candidate to determine a new starting
11:23:07 2 salary.

11:23:12 3 Q. Does internal equity factor into Apple's
11:23:25 4 compensation -- or does internal equity factor into a
11:23:29 5 salary adjustment made upon a promotion?

11:23:36 6 MR. RILEY: Object to the form.

11:23:42 7 THE WITNESS: Are you asking if a manager
11:23:44 8 considers --

11:23:47 9 MS. LEEBOVE: Q. Well, I guess I'm asking
11:23:49 10 whether internal equity is a factor at Apple in
11:23:56 11 determining promotional increases.

11:23:59 12 MR. RILEY: Object to the form.

11:24:09 13 THE WITNESS: At Apple, each manager has the
11:24:11 14 latitude to determine what is appropriate to pay an
11:24:15 15 individual -- or to -- for promotional increase.
11:24:22 16 Internal equity may or may not factor into their
11:24:27 17 ultimate decision.

11:24:39 18 MS. LEEBOVE: Q. What does it mean here --
11:24:41 19 and I'm looking at page 4, starting with "[REDACTED]
11:24:46 20 [REDACTED], " and
11:24:50 21 then I'm skipping down to the second bullet point,
11:24:53 22 "[REDACTED]
11:24:57 23 [REDACTED]
11:24:59 24 [REDACTED]. "

11:25:01 25 What does that mean?

11:32:38 1 THE WITNESS: Are you asking if an employee in
11:32:39 2 the same job, same level, same geography -- are what?

11:32:53 3 MS. LEEBOVE: Q. Should be paid within the
11:32:53 4 same salary range.

11:32:55 5 MR. RILEY: Object to the form.

11:33:01 6 THE WITNESS: No, because our salary ranges are
11:33:04 7 reference points, and there could be reasons why an
11:33:06 8 individual is paid below the minimum or above the
11:33:12 9 maximum or within the first quartile and in the fourth
11:33:17 10 quartile. So the salary range is a reference for both,
11:33:22 11 but I wouldn't say that employees would ever necessarily
11:33:28 12 be tied to a strict range because we don't have a strict
11:33:35 13 range.

11:33:43 14 MS. LEEBOVE: Q. How do you determine
11:33:44 15 whether employees are in positions of equivalent
11:33:46 16 value for purposes of administering base salaries at
11:33:52 17 Apple?

11:33:54 18 MR. RILEY: Object to the form.

11:34:02 19 THE WITNESS: I don't determine employee --
11:34:07 20 where employees are assigned jobs and levels. Managers
11:34:11 21 do.

11:34:13 22 MS. LEEBOVE: Q. How do you -- Kay Bond
11:34:33 23 who works for you, she's a senior compensation
11:34:36 24 manager; is that right?

11:34:37 25 A. Yes.

01:55:16 1 Q. And then in the grouping of columns underneath
01:55:19 2 the heading of "Base Salary," what do those headers and
01:55:27 3 numbers in that portion of the chart refer to?

01:55:35 4 A. First column, "Apple Actual Average" is an
01:55:42 5 overall average of the employees' base salaries against
01:55:52 6 the -- well, the first column is purely the actual --
01:55:55 7 Apple actual average salaries within each line of
01:56:00 8 business.

01:56:04 9 The second column, "SRP," means -- it's an
01:56:08 10 acronym for salary range position. Another way of
01:56:13 11 looking at it, [REDACTED]

01:56:18 12 [REDACTED]. So it's be -- so it's -- that SRP percentage
01:56:25 13 is the [REDACTED]

01:56:31 14 [REDACTED].

01:56:35 15 [REDACTED]

01:56:39 16 [REDACTED].

01:56:45 17 [REDACTED]

01:56:51 18 [REDACTED] -- [REDACTED]

01:56:56 19 [REDACTED] [REDACTED]

01:57:01 20 [REDACTED] [REDACTED]

01:57:08 21 [REDACTED].

01:57:10 22 Q. And from where is this -- is the [REDACTED]
01:57:14 23 derived?

01:57:15 24 A. We get -- that's [REDACTED]

01:57:17 25 [REDACTED].

03:02:35 1 MS. LEEBOVE: Q. Well, if there's a
03:02:37 2 salary -- if a -- if a manager has a group of
03:02:42 3 employees and pays each of his employees greater or
03:02:52 4 her employees greater than the maximum of their
03:02:58 5 respective salary ranges, does that create any sort
03:03:02 6 of compression problem around those salary ranges?

03:03:07 7 A. I don't see where there would be a compression
03:03:10 8 issue there.

03:03:11 9 Q. Okay. Is there any sort of issue that that
03:03:13 10 would create in terms of a compensation structure?

03:03:24 11 MR. RILEY: Objection to the form.

03:03:27 12 THE WITNESS: Issue to whom?

03:03:30 13 MS. LEEBOVE: Q. To Apple. Would it be
03:03:32 14 desirable to Apple if employees were paid higher
03:03:41 15 than the maximum of their -- of the salary ranges
03:03:47 16 that apply to their jobs?

03:03:53 17 A. I don't think it would be a problem at all if
03:03:55 18 it were appropriate and the managers could afford it in
03:04:03 19 their budget.

03:04:04 20 Q. Would there be a salary structure at all if
03:04:06 21 employees were paid outside of their salary ranges?

03:04:11 22 A. Yes.

03:04:13 23 Q. Would it have any effect? Would it be an
03:04:16 24 effective salary structure if nobody abided by the
03:04:21 25 salary ranges?

03:04:23 1 A. Salary ranges are not hard rules. They're
03:04:26 2 reference points. So I would still always want to have
03:04:31 3 that reference point to determine how I'm paying my
03:04:34 4 individuals individually and in aggregate.

03:04:51 5 Q. I guess what I'm trying to understand is that
03:04:54 6 if managers don't set salaries around those reference
03:05:05 7 points, what's the point of doing all of this work to
03:05:09 8 determine what the reference points are if they don't
03:05:14 9 matter in terms of setting individual employees'
03:05:21 10 salaries?

03:05:22 11 MR. RILEY: Objection to the form.

03:05:23 12 THE WITNESS: That sounds like multiple
03:05:24 13 questions here or a statement.

03:05:29 14 MS. LEEBOVE: Q. If the reference points
03:05:32 15 don't matter in terms of setting individual's
03:05:38 16 salaries -- well, is your testimony that the
03:05:40 17 reference -- that reference points don't matter in
03:05:44 18 setting individual salaries?

03:05:47 19 A. No.

03:05:50 20 Q. Is it your testimony that managers are free to
03:05:53 21 ignore those reference points in setting their
03:05:56 22 employees' salaries?

03:06:02 23 A. Free to ignore. No, it's -- it's a reference
03:06:04 24 point. It should be one factor in their decision-making
03:06:07 25 process of what is an appropriate salary based on --

03:06:09 1 based on the market. But then they have to also balance
03:06:14 2 the importance of the role, the individual, their
03:06:17 3 success, track record, education, experience.

03:06:26 4 Q. And those things -- the role, the individual,
03:06:29 5 their success, their track record, their education, and
03:06:32 6 their experience -- is it your understanding that those
03:06:36 7 factors factor into the base salary determination for a
03:06:41 8 particular employee?

03:06:44 9 A. Every manager should and does consider many
03:06:50 10 things about the individual and of the compensation --
03:06:57 11 our compensation program to determine where the
03:06:59 12 appropriate salary would be for this individual.

03:07:12 13 Q. What do you understand to be the role of the --
03:07:13 14 of a base salary in Apple's compensation structure?

03:07:23 15 A. I'm trying to understand what you mean by "the
03:07:26 16 role of a base salary."

03:07:28 17 Q. Well, what's the purpose of paying an employee
03:07:30 18 a base salary?

03:07:34 19 A. In the 30 years I've been doing this, you
03:07:36 20 really have three basic levers of compensation: base
03:07:42 21 salary, bonus and stock. And not all are used with
03:07:46 22 every job and in every individual. So a base salary,
03:07:51 23 it's just a very common practice. And every -- most all
03:07:58 24 companies have base salary programs.

03:08:05 25 Q. Would you agree with the statement that base

04:21:05 1 MR. RILEY: Objection to the form.

04:21:18 2 THE WITNESS: Everyone at Apple is basically a
04:21:21 3 high performer just to survive, so anyone receiving a
04:21:32 4 compensation adjustment would -- would bring some value
04:21:36 5 to the organization.

04:21:50 6 MS. LEEBOVE: Q. Do you know which, if
04:21:51 7 any, surveys Apple participates in, which salary
04:21:57 8 surveys?

04:21:57 9 A. [REDACTED]
04:22:01 10 [REDACTED]
04:22:13 11 [REDACTED]
04:22:18 12 [REDACTED]
04:22:22 13 [REDACTED]
04:22:25 14 [REDACTED]
04:22:33 15 [REDACTED]
04:22:37 16 [REDACTED]

04:22:45 17 Q. I see. I think.

04:22:47 18 Have you ever requested custom salary survey
04:22:51 19 data from Radford?

04:22:56 20 A. [REDACTED].

04:23:00 21 Q. [REDACTED]
04:23:04 22 [REDACTED]?

04:23:12 23 A. [REDACTED]
04:23:15 24 [REDACTED]
04:23:19 25 [REDACTED]

04:23:23 1

[REDACTED]

04:23:31 2

[REDACTED]

04:23:36 3

[REDACTED].

04:23:37 4

Q. So you might ask for a

[REDACTED]

04:23:40 5

[REDACTED]

04:23:43 6

[REDACTED]

04:23:46 7

[REDACTED]?

04:23:53 8

MR. RILEY: Object to the form.

04:23:55 9

THE WITNESS: Peer companies are found in the

04:23:57 10

proxy and we use that as a guide.

[REDACTED]

04:24:04 11

[REDACTED] --

04:24:12 12

[REDACTED].

04:24:21 13

MS. LEEBOVE: Q. Do you know whether Apple

04:24:22 14

has ever considered increasing compensation

04:24:26 15

company-wide to forestall defection of employees?

04:24:33 16

A. Not to my knowledge.

04:24:49 17

Q. What, if anything, does Apple do to ensure

04:24:53 18

consistency in compensation among employees whose jobs

04:24:59 19

fall into the same salary range structure? Let me back

04:25:08 20

up for a moment.

04:25:09 21

What, if anything, does Apple do to ensure

04:25:11 22

consistency in compensation among employees who fall --

04:25:13 23

whose jobs fall under the same salary range?

04:25:18 24

MR. RILEY: Object to the form.

04:25:30 25

THE WITNESS: I would say that Apple, we don't

04:25:32 1 try to control consistency, that we look at the
04:25:36 2 individual's merit, scope of responsibility,
04:25:40 3 achievements, background, and they're always individual
04:25:45 4 decisions with market reference just being one
04:25:49 5 additional factor to consider.

04:25:56 6 MS. LEEBOVE: Q. Do you think that leaves
04:25:59 7 Apple vulnerable to discrimination claims if there
04:26:03 8 isn't consistency or formality in determining what
04:26:09 9 an employee's salary will be?

04:26:20 10 MR. RILEY: Object to the form.

04:26:21 11 THE WITNESS: Not sure what could --

04:26:22 12 MS. LEEBOVE: Q. Well --

04:26:22 13 A. -- prompt a discrimination claim.

04:26:24 14 Q. Sorry?

04:26:24 15 A. I'm not sure what could prompt a discrimination
04:26:26 16 claim.

04:26:27 17 Q. For instance, if there is a female software
04:26:32 18 engineer, level -- let me -- would that be an [REDACTED]? A
04:26:41 19 software engineer, would that be an [REDACTED] job?

04:26:43 20 A. Yes.

04:26:43 21 Q. Okay. So if we have a female software engineer
04:26:46 22 [REDACTED] and a male software engineer [REDACTED], if all things
04:26:55 23 being equal, does Apple do anything, let's say, to
04:26:58 24 ensure that women and men who hold the same jobs are
04:27:04 25 compensated alike in order to prevent potentially a

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12 The dismantling, unsealing, or unbinding of
13 the original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my
16 hand this day: March 27, 2013.

17 _____ Reading and Signing was requested.

18 _____ Reading and Signing was waived.

19 ___X___ Reading and signing was not requested.

20

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23

GINA V. CARBONE

24

CSR 8249, CRR, CCRR

25

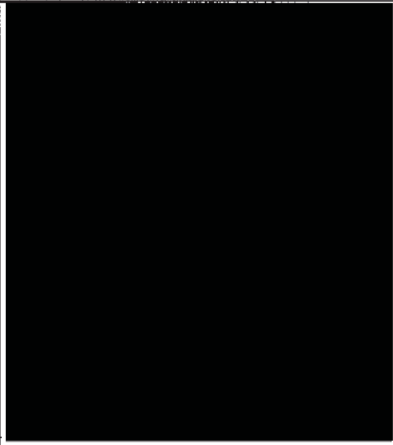
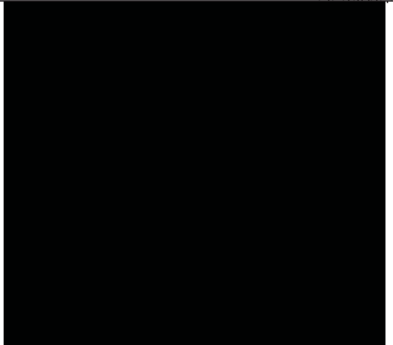
In Re: High-Tech Employee Antitrust Litigation

United States District Court, Northern District of California – San Jose Division
Case No. 11-CV-2509-LHK

Deposition Errata Sheet

Steven Burmeister
March 15, 2013

Deposition Page #	Line #	Currently Reads	Change To Read As	Reason for Change
9	12	One —	No.	Clarify the record
20	6	overview in the design	oversight in the design	Clarify the record
25	2	That's legal.	That's the legal department.	Clarify the record
35	13-15	Ms. Lambert is familiar, having been a recruiter prior to being vice president of human resources.	Ms. Lambert is familiar with recruiting, having been a recruiter prior to being Vice President of Human Resources.	Clarify the record
39	19-20	That's a very arbitrary guess.	That's a very arbitrary time estimate.	Clarify the record
41	2	The proposed FY – fiscal year '10	The proposed fiscal year '10	Clarify the record
42	13-15	Vice — VP is vice president. SDIR is director. DI — sorry, senior director. DIR is director.	VP is vice president. SDIR is senior director. DIR is director.	Clarify the record
53	3	Yes. We — and by "salary ranges," I mean...	Yes. And by "salary ranges," I mean...	Clarify the record
60	7-9	This is the document we used to communicate and roll out the — our new compensation — globally consistent compensation approach.	This is the document we used to communicate and roll out our new globally consistent compensation approach.	Clarify the record
62	1	see — and, again, just one of the factors, to see	see — and again, just one of the factors — to see	Transcription error
64	15	individual — or to — for promotional increase	individual for promotional increase	Clarify the record
68	3	Yeah. So can you ask...	Can you ask...	Clarify the record
71	20-22	We train managers that's equalize and normalize, and we never do that.	We train managers that's "equalize and normalize," and we never do that.	Clarify the record
73	17	Yeah. There is a lot of...	There is a lot of...	Clarify the record

74	8-9	that individual's transfer, not consistent in pay levels or bonuses.	that individual's transfer. I don't mean consistent in terms of pay levels or bonuses.	Clarify the record
85	17	a salaried employee to.	a salaried employee to a job grade.	Clarify the record
85	25	would slide it into...	would slot it into...	Transcription error
93	19-20	Do I need him to go to Austin? Very — it could have...	Do I need him to go to Austin? It could have...	Transcription error
94-95	25-1	Yeah, I'm not sure I follow the question.	I'm not sure I follow the question.	Clarify the record
97	11-13	and I don't think it is at Apple with anyone. It's the minimum; therefore I have to be there. It's purely a reference point...	and I don't think it is at Apple with anyone, "It's the minimum; therefore I have to be there." It's purely a reference point...	Transcription error
100	17-18	It looks to be a recap of competitive — rather, compensation analysis...	It looks to be a recap of compensation analysis...	Clarify the record
101	18	Yeah, in my — can you be more...	Can you be more...	Clarify the record
106	17-22			Clarify the record
108	12	— of the individuals, seventy — incumbents ...	— of the individuals, 776 incumbents ...	Clarify the record
120	15	...not necessarily employees' jobs.	...not necessarily technical employees' jobs.	Clarify the record
122	14	The only different is...	The only difference is...	Transcription error
124	13-14	Yeah. That's broad. And no, it's — that's too broad of a statement.	That's too broad of a statement.	Clarify the record
127	13-14	It's a code associated with the job that's in level — I'm sorry, Column 2.	It's a code associated with the job that's in Column 2.	Clarify the record

130	15	swear	square	Transcription error
135	24	Yeah. Compression issue as...	Compression issue as...	Clarify the record
137	23	Free to ignore. No...	Free to ignore? No...	Transcription error
178	19-20	...in every compensation — proposed compensation action.	...in every proposed compensation action.	Clarify the record
180	14-15	Yeah. It would — it would depend on the area..	It would depend on the area...	Clarify the record

Dated: May 15, 2013


 Steven Burmeister

Name of case: *In re: High-Tech Employee Antitrust Litigation*
Case No. 11-CV-2509-LHK (N.D. Cal.)

Date of deposition: March 15, 2013

Name of witness: **Steven Burmeister**

DECLARATION UNDER PENALTY OF PERJURY

I hereby certify that I read the foregoing deposition, and that the transcription together with any corrections noted on the Deposition Errata Sheet hereof, with the understanding that I offer these changes as if still under oath, is a true and accurate record of my testimony given at the time and place noted.

Signed on the 15 day of May, 2013.



Steven Burmeister